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**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

SEP 11 2006

Applicant : Paul S. Prevey, III
Appl. No. : 10/759,954
Filed : 1/17/2004
Title : METHOD AND APPARATUS FOR IMPROVING THE MAGNITUDE OF COMPRESSIVE STRESS DEVELOPED IN THE SURFACE OF A PART

Art Unit : 3726
Examiner : John C. Hong
Docket No. : LRI-011PAT

Mail Stop Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION

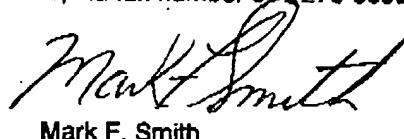
Sir:

In response to the Office Action of July 11, 2006, please consider the following remarks.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted to by facsimile to: Commissioner for Patents, P.O. Box 1450, Mail Stop AF, Alexandria, VA 22313-1450, via fax number 571-273-8300 on September 11, 2006.

September 11, 2006



Mark F. Smith

SEP 11 2006

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TECHNICAL CONSULTANT
PAUL E. THOMSON, M.D.
DAVID A. REES, PH.D.

DATE: September 11, 2006**TO:** USPTO

ADDRESS: Commissioner for Patents
P.O. Box 1450
Mail Stop: Ex Parte Reexam
Alexandria, VA
22313-1450

SENDER'S DIRECT DIAL NO.: (513) 752-5350**TOTAL NUMBER OF PAGES:** 21

ADDITIONAL INFORMATION: U.S. Patent Application Serial No. 10/759,954, Filed January 17, 2004; Response After Final Office Action Transmittal including certificate of facsimile dated September 11, 2006, Response After Final Office Action.

FAX TO:

| Name | Fax Number | Confirm Number |
|-------|--------------|----------------|
| USPTO | 571-273-8300 | |

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Attorney's Docket No. LRI-011PAT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Paul S. Prevey, III**

Serial No.: **10/759,954**

Group No.: **3726**

Filed: **January 17, 2004**

Examiner: **John C. Hong**

For: **METHOD AND APPARATUS FOR IMPROVING THE MAGNITUDE OF COMPRESSIVE STRESS DEVELOPED IN THE SURFACE OF A PART**

Commissioner for Patents

Mail Stop: af

P.O. Box: 1450

Alexandria, VA 22313-1450

**RESPONSE AFTER FINAL OFFICE ACTION
TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

2. Applicant is

X a small entity.

 other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

 I deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile to the Patent and Trademark Office PHONE NUMBER 571-273-8300 ON September 11, 2006 TO COMMISSIONER FOR PATENTS, MAIL STOP: AF, ALEXANDRIA, VA 22313-1450

Signature

Mark F. Smith

(Type or print name of person certifying)

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EXTENSION OF TERM

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NOTE- "Extension Of Time In Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action; an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-5).

NOTE- See 37 CFR 1.643 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

- 3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.**

(complete (a) or (b), as applicable)

- (a) Applicant petitions for an extension of time under 37 CFR 1.136
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:**

| <u>Extension (months)</u> | <u>Fee for other than small entity</u> | <u>Fee for small entity</u> |
|-------------------------------|--|---------------------------------|
| <u>one month</u> | \$ 120.00 | \$ 60.00 |
| <u>two months</u> | \$ 450.00 | \$225.00 |
| <u>three months</u> | \$1,020.00 | \$310.00 |
| <u>four months</u> | \$1,590.00 | \$795.00 |

Fee \$ 0.00

 An extension for _____ months has already been secured and the fee paid therefore of
S._____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) x Applicant believes that no extension of term is required. However this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.**

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4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY | OTHER THAN A SMALL ENTITY |
|---|---|--------------|--------------------------------|------------------------------|
| CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO PREVIOUSLY PAID FOR | EXTRA | PRESENT FEE OR RATE | ADDIT. FEE |
| TOTAL * | MINUS ** | = | X 50 = \$ | X 25 = \$0.00 |
| INDEP * | MINUS *** 3 | = | X 200 = \$ | X 100 = \$0.00 |

FIRST PRESENTATION OF MULTIPLE DEP. CLAIM X 360 = \$ X 180 = \$

TOTAL ADDITIONAL FEE: \$0.00

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No Previously Paid for" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3"
 The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphases added).

(complete (c) or (d), as applicable)

(c) No additional fee for claims is required

OR

(d) _____ Total additional fee for claims required \$0.00

FEES PAYMENT

5. Attached is a check in the sum of \$ 0.00

Charge Account No. _____ the sum of \$ _____

A duplicate of this transmittal is attached.

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FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7-86, (1063 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No.

AND/OR

- If any additional fee for claims is required, charge Account No.

OTHER DOCUMENTS ATTACHED

7. No other documents are attached.

- X The following documents are attached hereto:

Response to Final Office Action

Reg. No.: 32,437

Tel. No.: 513-752-5350

**SIGNATURE OF ATTORNEY**

Mark F. Smith

Smith Brandenburg & Novak Ltd

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Cincinnati, Ohio 45245